

MEMORANDUM

DATE: March 16, 2011
TO: Policy Committee
FROM: Sarah Propst, Planner
SUBJECT: Additional Investigation of Floodplain Overlay District

I. Floodplain

The Floodplain Overlay District is meant to minimize the loss of life or property by limiting or preventing development within the floodplain. The Floodplain Overlay District is a subcategory of the Development Standards portion of the Zoning Ordinance update. The scope of work for this section is to ensure compliance with the State regulations and increase clarification.

At the February 3rd Policy Committee meeting, the Committee requested that staff investigate several topics and return to the Policy Committee at a later date to present the findings.

II. Discussion Items

A. **Definition of “Substantial Improvement”**

1. The Policy Committee asked if the County had a definition for “substantial improvement” and staff was unable to make that determination during the meeting.
 - The Zoning Ordinance does contain a definition for “substantial improvement.”

Sec. 24-2. Definitions.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
(2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

B. **Flood Resistant Materials and Methods**

1. The Policy Committee asked staff to consider the addition of language to Sec. 24-595, Regulations for Construction, “New construction and substantial improvements shall be constructed with materials resistant to flood damage as well as construction methods and practices that minimize flood damage.”
2. Staff consulted with the Division of Code Compliance on this topic. It was determined that the *Virginia Uniform Statewide Building Code (USBC)* requires construction and materials used in floodplains to be flood resistant.
3. Staff suggests adding a reference to the building code requirements in the floodplain overlay district regulations to increase visibility.

Sec. 24-588. Compliance and liability.

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of these regulations and any other applicable ordinances and regulations, *including, but not limited to the Virginia Uniform Statewide Building Code (USBC), the Virginia Industrialized Building Safety Regulations (IBSR), and the Manufactured Home Safety Regulations (MHSR).*

C. Increasing the Elevation of Buildable Sites Two Feet Above 100 Year Floodplain

1. The Policy Committee requested that staff research the number of lots that could be impacted by this possible change to the Floodplain Overlay District.
2. Stormwater Division, Planning and Mapping have been researching this change. Please see the attached memo regarding the potential impacts of increasing the buildable lot elevation two feet above the 100 year floodplain and an explanation of the following suggested changes.
3. As outlined in the attached memo from Darryl Cook, Stormwater Division suggests applying the two foot increase in buildable sites to *riverine* floodplain districts, those above 7-1/2 feet. This means that sites which are in riverine floodplain districts would need to contain natural unfilled building sites at least two feet above the 100-year floodplain. Sites located in *tidal* floodplain districts, those at an elevation of 7-1/2 feet, would also be required to have a building site two feet above the floodplain but would be allowed to create a buildable site by filling the two feet above the 7-1/2 feet elevation. This would not allow filling in the floodplain(the area up to 7-1/2 feet) only the two feet of fill required to get to the 9-1/2 feet in tidal floodplain districts. This change would be reflected in Sec. 54-596. However, it should be noted, staff recommendations were provided at the Policy Committee's February 3rd meeting.

III. Conclusion

Staff recommends the inclusion of the reference to the *Virginia Uniform Statewide Building Code* in Sec. 24-588 to increase clarity regarding building regulations.

Attachment

1. Stormwater Division Floodplain Revisions Memo